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17 *Swift Transportation Co. of Arizona, LLC*

18 **UNITED STATES DISTRICT COURT**

19 **DISTRICT OF NEVADA**

20 LAURA PETERS,

21 Plaintiff,

22 v.

23 SWIFT TRANSPORTATION CO. OF
24 ARIZONA, LLC; DOE DRIVER; DOES I
25 through XX, inclusive; and ROE BUSINESS
26 ENTITIES I through XX, inclusive,

27 Defendants.

Case No. 2:19-cv-00874-GMN-EJY

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES**

(ELEVENTH REQUEST)

28 Defendant Swift Transportation Co. of Arizona, LLC (“Swift”) and Plaintiff Laura Peters (“Ms. Peters” or “Plaintiff”), by and through their respective undersigned counsel, hereby stipulate and agree to extend the current discovery deadlines set forth in the Scheduling Order entered on January 20, 2022 (ECF No. 68) pursuant to LR 26-3. This is the eleventh stipulation to extend the discovery deadlines.

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A. Statement Specifying the Discovery Completed

To date, the parties have completed significant written discovery. Plaintiff has disclosed forty-two supplements to her Rule 26(a) initial disclosures, identifying over 50 witnesses and thousands of pages of records. Plaintiff has also responded and provided supplemental responses to two sets of requests for production and two sets of interrogatories. Swift has also disclosed over a thousand pages of records and subpoenaed records from dozens of medical providers. The parties have also served and responded to Rule 34 vehicle inspection requests. Further, three medical examinations of Ms. Peters arranged by Swift have taken place.

As for experts, the parties have disclosed initial and rebuttal experts. Plaintiff identified nine medical professionals as non-retained medical expert/treating physicians. Plaintiff further identified ten initial experts, in the areas of accident reconstruction/biomechanical, spinal surgery, orthopedics, economics, radiology, neuropsychology, neurology, addiction, life care planning, and occupational therapy. Swift has identified nine experts, in the areas of spinal surgery, orthopedics, neurology, life care planning, psychiatry, accident reconstruction/biomechanical, economics, neuropsychology, and neuroradiology.¹

As for depositions, Swift deposed Plaintiff on March 9, 2021; eight fact witnesses (Cipra Dominitz on April 23, 2021, Kemba Kessee on April 27, 2021, Jessalyn Pitz on April 30, 2021 and May 25, 2021, Heather Swonick on May 4, 2021, Spencer Peters on May 11, 2021, Julie Chapin on June 25, 2021, Kelli Thornton on January 5, 2022, and Kevin Thornton on January 5, 2022); five treating providers (Richard Tull, EMT on April 23, 2021, Raymond Mathieson, PA-C, on May 11, 2021, Dr. Jaswinder Grover on June 10, 2021 and March 10, 2022, Dr. Xin Nick Liu on June 14, 2021, Dr. Abiog on March 1, 2022, and Dr. Catapano on March 17, 2022); and six experts (Dr. Clauretie on January 27, 2022, Dr. Fazzini on February 16, 2022, Dr. Bashcaron on February 18, 2022, Dr. Hirschfeld on February 28, 2022, Dr. Loong on March 8, 2022, and Dr. Garber on

¹ The descriptions of the parties' experts' areas of expertise is for information purposes only, and in no way is intended or should be construed as defining or otherwise limiting the scope or expertise of said experts.

1 March 10, 2022). Plaintiff has deposed four expert witnesses (Dr. Fontes on January 13, 2022, Dr.
2 Mills on January 14, 2022, Dr. Funk on January 20, 2022, and Dr. Tamm on February 7, 2022).

3 **B. Specific Description of the Discovery that Remains to be Completed**

4 Discovery in this case has been ongoing and additional discovery remains to be
5 completed, including, but not limited to:

- 6 • *Written Discovery.* The parties are meeting and conferring over past responses and
7 Swift will continue to evaluate the need for additional requests or subpoenas
8 depending on how discovery progresses, particularly since Ms. Peters is still
9 undergoing treatment.
- 10 • *Experts.* The parties intend to disclose additional supplements as necessary and are
11 evaluating options as a result of the passing of one of Plaintiff's experts.
- 12 • *Depositions.* Swift intends to take a number of depositions in this matter, including,
13 but not limited to, pertinent fact witnesses, additional non-retained medical
14 expert/treating physicians, and experts disclosed by Plaintiff. Plaintiff also intends to
15 take a number of depositions, including, but not limited to, pertinent fact witnesses,
16 several medical providers, and experts disclosed by Swift. Given the number of
17 witnesses, the parties anticipate the need to take more than ten depositions. A more
18 detailed summary is below.
- 19 • All other discovery deemed necessary by the parties in accordance with the scheduling
20 order and permitted by law.

21 **C. Reasons Why Discovery was not Completed**

22 Since the last discovery extension, the parties have progressed in discovery, primarily
23 taking depositions and providing expert supplements. While several depositions were taken in
24 February, certain depositions had to be rescheduled due to both emergency issues and pending
25 supplemental reports. Unfortunately, several depositions remain to be taken and specific expert
26 work remains to be done related to the ongoing treatment, the untimely passing of an expert, and
27 surgical complications from Plaintiff's last surgery. Trial conflicts and scheduling issues,
28 however, have complicated the matter. For instance, trial started on March 14, 2022 in the



1 conflicting matter for Defense counsel previously mentioned in the last stipulation, *Eskew v. Sierra*
 2 *Health and Life Insurance Company, Inc.*, and is expected to last several weeks until
 3 approximately April 6th. Likewise, Plaintiff has a trial with a firm start date of April 18, 2022,
 4 *Amy Wilson v. Las Vegas Party Coach, et al.*, which is anticipated to proceed to trial and last until
 5 May 31-June 1, 2022. In light of these significant conflicts over March, April, and May, the
 6 parties request a 90-day extension so that these depositions and expert work can be completed
 7 through March, April, May, and June.

8 The following depositions are scheduled: Ms. Xitco (3/23); Dr. Linetsky (3/24); Dr.
 9 Snyder (4/11). For the remaining deponents, the parties are conferring on witness availability and
 10 scheduling for April and May, including for Dr. Montesano (rescheduled), Dr. Croft (rescheduled),
 11 Mr. Lamoreaux (rescheduled), Bonnie Clear, Valerie Tucker, con't of Ms. Peters, Mr. Wach, Dr.
 12 Al-Hawarey, Dr. Lewis, Dr. Badday, and Dr. Ghuman.

13 The parties recognize that given the age of this matter that this is a significant extension
 14 and understand the need and urgency to complete discovery in this matter and appreciate the
 15 Court's indulgence and they will continue to work in good faith to complete discovery.

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D. Proposed Schedule for Completing Remaining Discovery

Event	Current Deadline (ECF No. 68)	Proposed Deadline
Discovery Cutoff	03/28/2022	06/28/2022
Deadline Amend Pleadings/Add Parties	Passed	Passed
Initial Expert Disclosure	Passed	Passed
Rebuttal Expert Disclosure	Passed	Passed
Dispositive Motions	04/28/2022	07/28/2022
Pretrial Order	30 days after the dispositive motion deadline unless dispositive motions are pending, in which case, the deadline would be 60 days after the order on the dispositive motion(s) is issued.	Same

If dispositive motions are filed, the deadline for filing the pretrial order will be suspended until 30 days after decision on the dispositive motions or further court order. The disclosures required by Fed. R. Civ. P. 26(a)(3) and any objections to them must be included in the pretrial order.

DATED: March 18, 2022

DATED: March 18, 2022

/s/ Ryan T. Gormley/s/ Ramzy Paul Ladah (with permission)

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*Laura Peters**Attorneys for Defendant**Swift Transportation Co. of Arizona, LLC***IT IS SO ORDERED.**DATED: March 18, 2022


 UNITED STATES MAGISTRATE JUDGE

